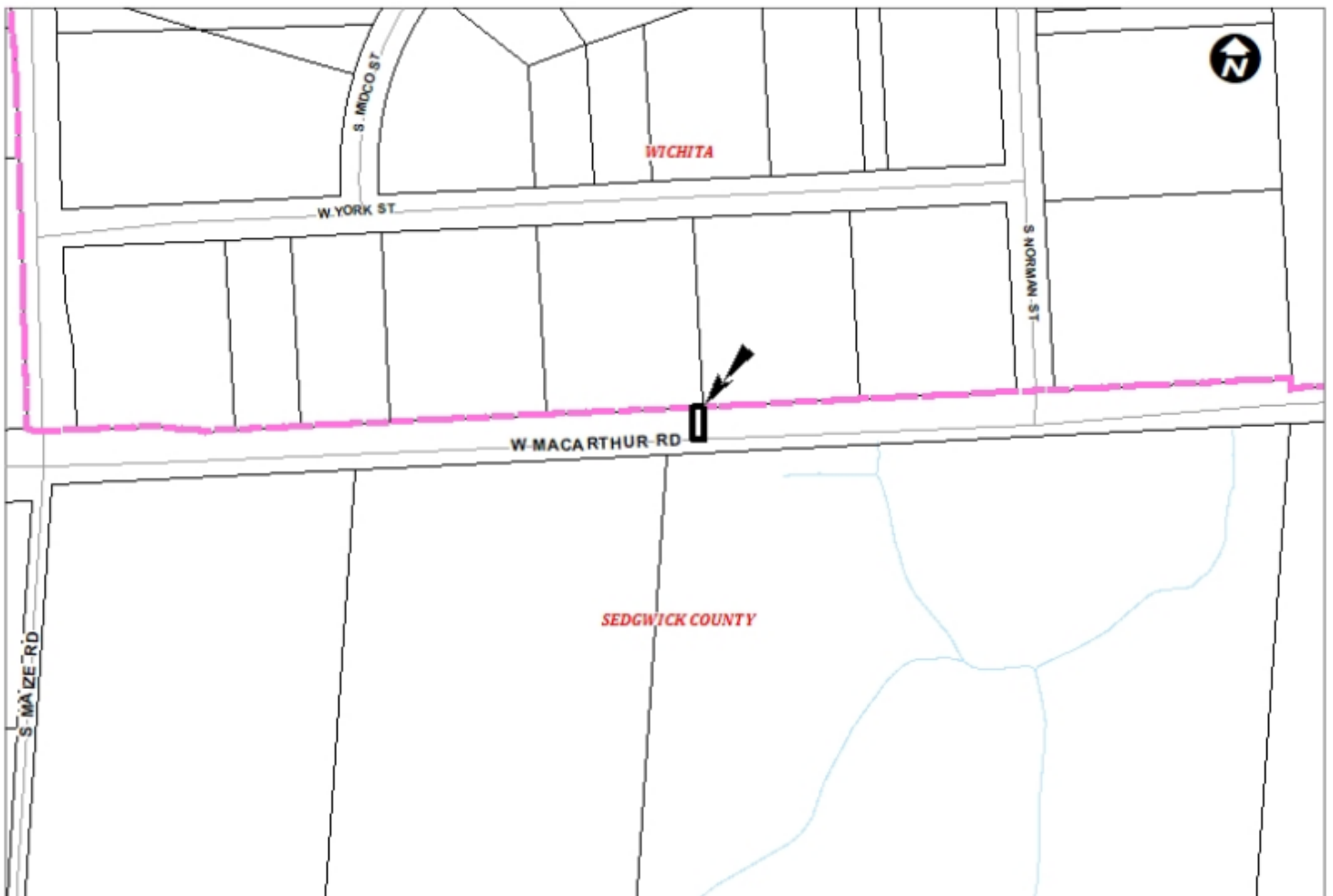


STAFF REPORT

- CASE NUMBER:** VAC2022-00021 - Request in the City to vacate a portion of platted complete access control
- APPLICANT:** NS Enterprises, LLC c/o Chad Hoheisel (applicant/owner)
- LEGAL DESCRIPTION:** Generally described as vacating the east 25 feet of the platted complete access control beginning on the east lot line of Lot 3, Block A, Mid Continent Industrial Park I Addition, Wichita, Sedgwick County, Kansas
- LOCATION:** Generally located east of South Maize Road, west of South Norman Street on the north side of West MacArthur Road. (District IV)
- REASON FOR REQUEST:** Allow a right out exit only driveway onto West MacArthur Road from the subject site.
- CURRENT ZONING:** The subject site and the abutting east, and west properties are zoned LI Limited Industrial. The adjacent north properties, across West York Street, are zoned LI. The adjacent south properties, across West MacArthur Road, are zoned SF-20 Single-Family Residential.
- VICINITY MAP:**



The partially developed subject site, Lot 3, Block A, Mid Continent Industrial Park I Addition, is zoned LI Limited Industrial. The applicant's east abutting property, Lot 2, Block A, Mid Continent Industrial Park I Addition, is developed as an office-warehouse. It appears that a portion of this office-warehouse has been built into the east side of the subject site. The abutting east and west properties and the adjacent north properties are zoned LI and can be generally described as being developed as office-warehouses or light manufacturing facilities.

The subject site is located in the City and has frontage, on its south side, on West MacArthur Road and West York Street on its north side. West MacArthur Road is classified as County Arterial street, paved with two lanes for two way traffic and a posted speed limit of 55 MPH. All of the subject site's 330-feet of West MacArthur Road frontage is platted with complete access control. West York Street is classified as a paved local street, with two lanes for two way traffic and currently provides the only access to the subject site. West York Street intersects with South Norman Street to the east and South Maize Road to the west. Both South York Street and South Maize Road intersect with this section of West MacArthur Road. Those intersections are posted with stop signs.

The applicant proposes to vacate the east 25 feet of the platted complete access control beginning on the east lot line of Lot 3, Block A, Mid Continent Industrial Park I Addition. If the request is approved the applicant proposes to build a 25-foot wide, right-turn, exit only driveway onto West MacArthur Road. The applicant has stated that the driveway will allow trucks picking up trash and recycling materials to enter the north side of the subject site off of West York Street and exit onto West MacArthur Road without circling back through the employee parking lot and back to West York Street.

The applicant's concept plan shows a 50-foot (x) 75-foot addition onto the existing office-warehouse located mostly on the applicant's east abutting property, Lot 2, Block A, Mid Continent Industrial Park I Addition. The concept plan shows a proposed drive connecting the office-warehouse parking lot with the proposed addition and the proposed driveway onto West MacArthur Road. The applicant's site plan shows the pick-up area for trash and recycling materials as well as the proposed 25-foot wide driveway onto West MacArthur Road.

All of the Mid Continent Industrial Park I Addition's 2,487.24 feet of West MacArthur Road frontage is platted with complete access control. The Mid Continent Industrial Park I Addition was recorded with Sedgwick County Register of Deeds March 2, 1976. Three previous requests to vacate that Addition's platted complete access control onto West MacArthur Road have been approved with conditions. VAC2009-00022 permitted one right-in – right-out drive, with conditions, for the abutting east property; Lot 1, Block A, Mid Continent Industrial Park I Addition. This driveway is located approximately 370 feet east of the proposed driveway. It was noted that the approval of VAC2009-00022 might trigger more request for vacation of this Addition's platted complete access control. VAC2019-00003 allowed one right-in – right-out driveway, with conditions,; Lot 2, Block D, Mid Continent Industrial Park I Addition. This driveway is located approximately 990 feet east of the proposed driveway. VAC2016-00063 permitted one driveway, with conditions; Lot 5, Block A, Mid Continent Industrial Park I Addition. This driveway was never constructed and has never gone to City Council for final action. The south adjacent SF-20 Single-Family Residential zoned property is an agricultural field with no driveways, except to a single-family residence located southwest of the site.

The County's Access Management Policy requires 330-feet of separation for right-in – right-out driveways onto arterials and 660-feet of separation for full movement driveways onto arterials. The County is not in favor of another driveway onto this section of West MacArthur Road because of the 55 MPH speed limit. The County has checked the "85th percental speed" earlier this year and it was found to be just over 61 MPH. This suggest that it is not recommended to reduce the speed limit for this section of West MacArthur Road. The County has advised the applicant that they will not support the request and to continue to use West York Street for trucks picking up trash and recycling materials to and from their site.

Power poles, lines, and utility equipment are located in the north side of West MacArthur Road. Evergy has no objections to the request. Jeremy Lane is the Evergy Design Representative for this area and can be reached at 785-508-2703. Drainage

ditches run parallel to both sides of West MacArthur Road. Water and sewer are located along the South York Street right-of-way. Conditions #4, #5 and #6 cover all utilities. Vehicular traffic and public safety will be impacted by this request if approved.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from Public Works, Storm Water, Water and Sewer, Traffic, Fire, franchised utility representatives and other interested parties, Planning Staff recommends **Approval** with the following considerations (but not limited to) associated with the request to vacate the described portion of platted complete access control.

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time June 30, 2022, which was at least 20 days prior to this public hearing.
 2. That no private rights will be injured or endangered by vacating the described portion of the platted complete access control and that the public will suffer no loss or inconvenience thereby.
 3. In justice to the petitioner, the prayer of the petition ought to be granted.

Conditions (but not limited to) associated with the request:

- (1) West York Street shall remain the primary access to Lots 3, Block A, Mid Continent Industrial Park I Addition and the east abutting Lots 2, Block A, Mid Continent Industrial Park I Addition .
- (2) Provide Planning Staff with a legal description of the approved vacated portion of the 330 feet of platted complete access control on Lot, Block A, Mid Continent Industrial Park I Addition. This must be sent to Planning on a Word document, via e-mail, to be used on the Vacation Order. This must be provided to Planning prior to this case proceeding to City Council for final action.
- (3) Provide plans for review and approval by County Public Works for a right-out only driveway onto West MacArthur Road. This must be provided to Planning prior to this case proceeding to City Council for final action. The access onto West MacArthur Road shall be gated at all times and only used during day light business hours and only for trucks picking up trash or recycling materials.
- (4) The driveway will be paved. All improvements shall be according to County and City Standards and at the applicant's expense. Provide County Public Works, the City of Wichita Public Works, and utilities with any guarantees (approved project/plans) to ensure that any associated improvements will be made, include the construction of the approved driveway and culvert. If the driveway is not being immediately constructed, provide a Drive Approach certificate, which will be recorded with the Register of Deeds. Either the guarantee(s) and/or the drive approach certificate must be provided to Public Works (guarantee) or Planning (drive approach certificate) prior to the case going to City Council for final action.
- (5) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicant. All improvements shall be according to County and City Standards and will be at the applicant's expense. Approval of plans for the relocation of any and all County and City Public Works utilities and/or franchised utilities must be completed prior to the case going to City Council for final action. Provide Planning with letters of approval or E-mails of approval.
- (6) Provide Planning with any required easement(s) dedicated by separate instrument(s) with original signatures for

recording with the Register of Deeds. All original dedications will go with the Vacation Order to City Council for final action and filling with the Sedgwick County Register of Deeds.

- (7) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the Vacation Order, and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

SUBDIVISION COMMITTEE’S RECOMMENDED ACTION

The Subdivision Committee recommends approval subject to the following conditions:

- (1) West York Street shall remain the primary access to Lots 3, Block A, Mid Continent Industrial Park I Addition and the east abutting Lots 2, Block A, Mid Continent Industrial Park I Addition .
- (2) Provide Planning Staff with a legal description of the approved vacated portion of the 330 feet of platted complete access control on Lot, Block A, Mid Continent Industrial Park I Addition. This must be sent to Planning on a Word document, via e-mail, to be used on the Vacation Order. This must be provided to Planning prior to this case proceeding to City Council for final action.
- (3) Provide plans for review and approval by County Public Works for a right-out only driveway onto West MacArthur Road. This must be provided to Planning prior to this case proceeding to City Council for final action. The access onto West MacArthur Road shall be gated at all times and only used during day light business hours and only for trucks picking up trash or recycling materials.
- (4) The driveway will be paved. All improvements shall be according to County and City Standards and at the applicant’s expense. Provide County Public Works, the City of Wichita Public Works, and utilities with any guarantees (approved project/plans) to ensure that any associated improvements will be made, include the construction of the approved driveway and culvert. If the driveway is not being immediately constructed, provide a Drive Approach certificate, which will be recorded with the Register of Deeds. Either the guarantee(s) and/or the drive approach certificate must be provided to Public Works (guarantee) or Planning (drive approach certificate) prior to the case going to City Council for final action.
- (5) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicant. All improvements shall be according to County and City Standards and will be at the applicant’s expense. Approval of plans for the relocation of any and all County and City Public Works utilities and/or franchised utilities must be completed prior to the case going to City Council for final action. Provide Planning with letters of approval or E-mails of approval.
- (6) Provide Planning with any required easement(s) dedicated by separate instrument(s) with original signatures for recording with the Register of Deeds. All original dedications will go with the Vacation Order to City Council for final action and filling with the Sedgwick County Register of Deeds.
- (7) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the Vacation Order, and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

VAC2022-00021 – Request in the City to vacate a portion of platted complete access control on LI Limited Industrial zoned property generally located east of South Maize Road, west of South Norman Street on the north side of West MacArthur Road

July 21, 2022

Page 5

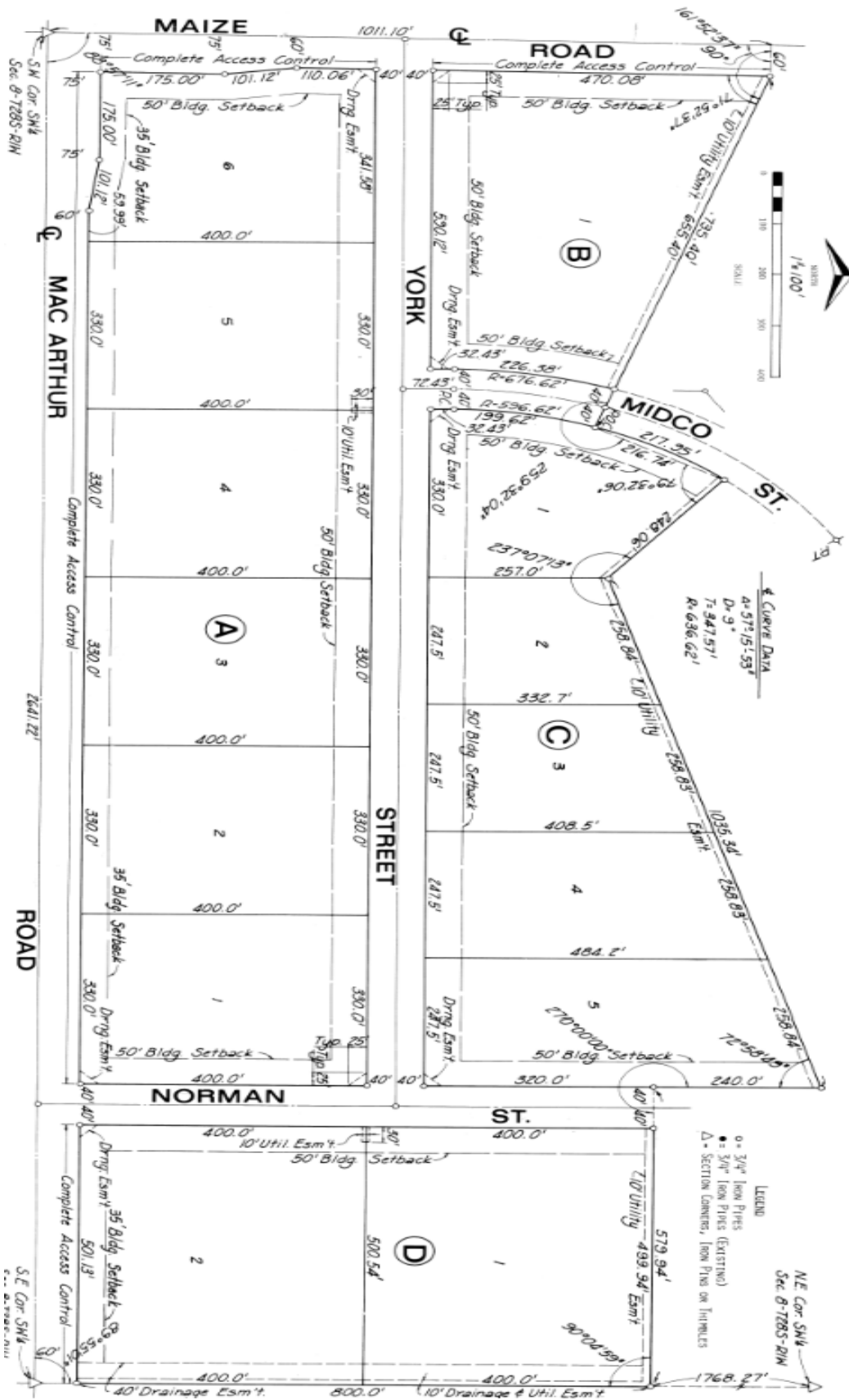
Attachments:

- Aerial with public utilities & location of vacation request
- Lot 3, Block A, Mid Continent Industrial Park I Addition
- Applicant's concept plan
- Applicant's site plan
- Photos of site and area



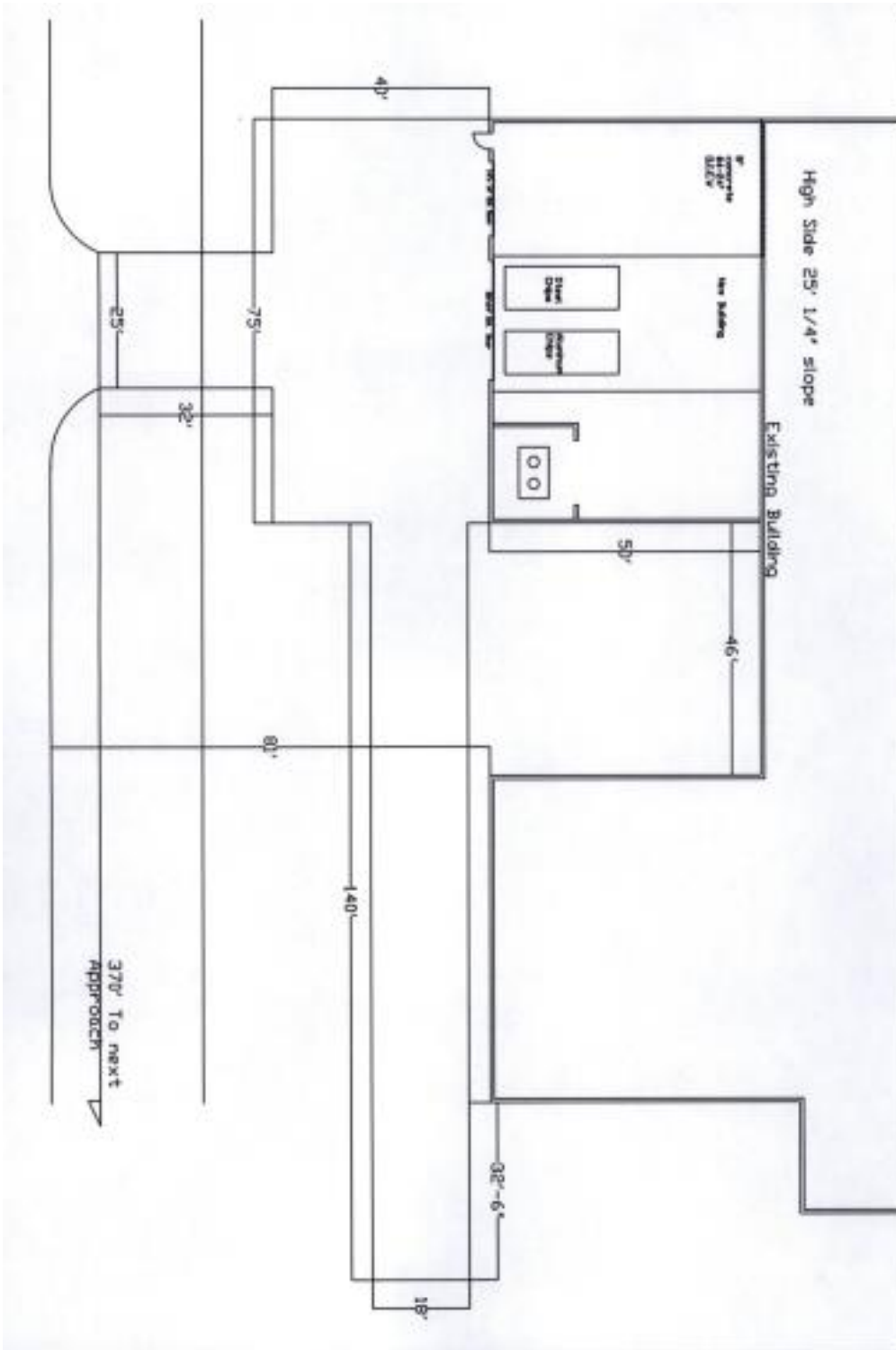
MID-CONTINENT INDUSTRIAL PARK I

SEDGWICK COUNTY, KANSAS



VAC2022-00021 – Request in the City to vacate a portion of platted complete access control on LI Limited Industrial zoned property generally located east of South Maize Road, west of South Norman Street on the north side of West MacArthur Road
July 21, 2022
Page 7





Younger and Sons
9909 West York
Wichita, Kansas



Site off of West York Street



Site off of West MacArthur Rd with employee parking



Site off of West MacArthur Rd where expansion and proposed driveway will be located



Abutting east property with driveway onto West MacArthur Rd

VAC2022-00021 – Request in the City to vacate a portion of platted complete access control on LI Limited Industrial zoned property generally located east of South Maize Road, west of South Norman Street on the north side of West MacArthur Road

July 21, 2022

Page 13



Adjacent east property, NE corner of West Norman St & West MacArthur Rd, with driveway onto West MacArthur Rd